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SAMSUNG ELECTRONICS AMERICA, INC.

[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re *Ex Parte* Application of:

Case No. 5:23-mc-80322-EJD

CONSUMERS' ASSOCIATION

**STIPULATION AND PROPOSED ORDER
EXTENDING TIME FOR SAMSUNG
SEMICONDUCTOR, INC. AND
SAMSUNG ELECTRONICS AMERICA,
INC. TO FILE MOTION TO QUASH
WHICH?'S AND QUALCOMM'S
SUBPOENAS**

Petitioner for an Order Pursuant to 28 U.S.C.
§ 1782 to Conduct Discovery for Use in a
Foreign Proceeding

In re *Ex Parte* Application of:

Case No. 5:24-mc-80019-EJD

QUALCOMM INCORPORATED,

Application for an Order Pursuant to 28 U.S.C.
§ 1782 Granting Leave to Conduct Discovery
for Use in a Foreign Proceeding

Judge: Edward J. Davila

Case No. 5:23-mc-80322-EJD
Case No. 5:24-mc-80019-EJD

1 Whereas on December 7, 2023, Consumers' Association ("Which?") filed an *ex parte*
 2 application in this miscellaneous action pursuant to 28 U.S.C. § 1782 for permission to seek
 3 discovery from Samsung Semiconductor, Inc. ("SSI"), Samsung Electronics America, Inc.
 4 ("SEA"), and Apple, Inc. for use in a foreign proceeding against Qualcomm Incorporated in the
 5 United Kingdom ("U.K. Class Action") pending before the United Kingdom Competition Appeal
 6 Tribunal.

7 Whereas on January 23, 2024, the Court granted Which?'s *ex parte* application
 8 "WITHOUT PREJUDICE to any argument that may be raised in a motion to quash or modify the
 9 subpoena from Apple and the Samsung Entities," and further ordered that "Apple and the
 10 Samsung Entities may file—no later than 30 days after service or notice—a motion to quash or
 11 modify the subpoenas before this Court[.]" (ECF 21 at 7.)

12 Whereas on January 29, 2024, SSI received a copy of Which?'s subpoena, and SEA was
 13 served with Which?'s Subpoena on February 2, 2024.

14 Whereas, SSI and SEA timely served written objections to Which?'s Subpoenas pursuant
 15 to F. R. Civ. P. 45.

16 Whereas on January 26, 2024, Qualcomm Incorporated filed a separate *ex parte*
 17 application pursuant to 28 U.S.C. § 1782 to seek discovery from SSI and SEA, and Apple for use
 18 in the U.K. Class Action. *In re Ex Parte Application of: Qualcomm Incorporated*, 5:24-mc-
 19 80019-NC (N.D. Cal.)

20 Whereas on February 7, 2024, the Court ordered to relate Qualcomm's separate action to
 21 Which?'s present action. (ECF 24.)

22 Whereas on February 9, 2024, the Court also granted Qualcomm's separate *ex parte*
 23 application "WITHOUT PREJUDICE to any argument that may be raised in a motion to quash or
 24 modify the subpoena from Apple and the Samsung Entities" and also ordered that "Apple and the
 25 Samsung Entities may file—no later than 30 days after service or notice—a motion to quash or
 26 modify the subpoenas before this Court." *In re Ex Parte Application of: Qualcomm Inc.*, 5:24-mc-
 27 80019-EJD, ECF 14 at 6.

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Case No. 5:23-mc-80322-EJD
 Case No. 5:24-mc-80019-EJD

Whereas Qualcomm has not yet served subpoenas on SSI or SEA, but has asked outside counsel for SSI and SEA in this matter whether they will accept service of its subpoenas.

Whereas SSI and SEA are willing to accept service through outside counsel if Qualcomm agrees to extend the motion to quash deadline until April 3, 2024.

Whereas the parties need additional time to meet and confer in order to explore whether a compromise can be reached that would obviate the need for a motion to quash.

NOW THEREFORE, the parties ask the Court to extend the deadline for SSI's and SEA's motions to quash Which?'s and Qualcomm's subpoenas until April 3, 2024. The timing and procedures set forth in Federal Rule of Civil Procedure 45 shall otherwise apply.

Dated: February 16, 2024

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Leo D. Caseria
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MONA SOLOUKI

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Case No. 5:23-mc-80322-EJD
Case No. 5:24-mc-80019-EJD

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23 QUALCOMM INCORPORATED

24 **ATTESTATION**

25 Under Civil Local Rule 5-1(h)(3), I hereby attest under penalty of perjury that the
26 concurrence in the filing of this document has been obtained from the signatories above.

27
28 /s/ Leo D. Caseria
29 LEO D. CASERIA

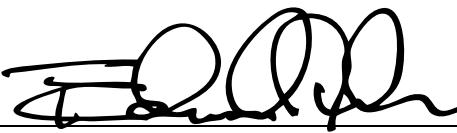
Case No. 5:23-mc-80322-EJD
Case No. 5:24-mc-80019-EJD

1 **[PROPOSED] ORDER**
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4 **GOOD CAUSE APPEARING, IT IS SO ORDERED that:**
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7 The deadline for Samsung Semiconductor, Inc. and Samsung Electronics America, Inc. to file a
8 motion to quash the subpoenas served on them by Consumers' Association and Qualcomm
9 Incorporated shall be extended to April 3, 2024. The timing and procedures set forth in Federal
10 Rule of Civil Procedure 45 shall otherwise apply.
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13 Date: February 16, 2024
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11 HONORABLE EDWARD J. DAVILA
12 UNITED STATES DISTRICT JUDGE
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Case No. 5:23-mc-80322-EJD
Case No. 5:24-mc-80019-EJD